

September 19, 2018

BY ULS AND ELECTRONIC MAIL

Rachael Bender, Esq.
Wireless and International Advisor
Office of Chairman Pai
Federal Communications Commission
445 Twelfth Street, S.W.
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Re: *SNR Wireless LicenseCo, LLC v. FCC*, 868 F.3d 1021(D.C. Cir. 2017)

Northstar Wireless, LLC, SNR Wireless LicenseCo, LLC, Applications for New Licenses in the 1695-1710 MHz and 1755-1780 MHz and 2155-2180 MHz Bands, Order on Remand, 33 FCC Rcd 231 (WTB 2018)

Applications of Northstar Wireless, LLC for AWS-3 Licenses in the 1695-1710 MHz, and 1755-1780 MHz and 2155-2180 MHz Bands
ULS File Numbers 0006670613, 0008243409
Report No. AUC-97 (Auction 97)

Applications of SNR Wireless LicenseCo, LLC for AWS-3 Licenses in the 1695-1710 MHz, and 1755-1780 MHz and 2155-2180 MHz Bands
ULS File Numbers 0006670667, 0008243669
Report No. AUC-97 (Auction 97)

Dear Ms. Bender:

Northstar Wireless, LLC and SNR Wireless LicenseCo, LLC (together, the “Applicants”) respectfully request a meeting with you to discuss (i) their revised agreements with affiliates of DISH Network Corporation (“DISH”) and associated pleadings in response to the above-referenced Wireless Telecommunications Bureau (“Bureau”) order and referenced proceedings and (ii) any questions or concerns the Commission may have regarding the adequacy of those submissions in curing the *de facto* control concerns outlined in *Northstar Wireless, LLC, SNR Wireless LicenseCo, LLC, Applications for New Licenses in the 1695-1710 MHz, and 1755-1780 MHz and 2155-2180 MHz Bands*, Memorandum Opinion and Order, 30 FCC Rcd 8887 (2015) (“*2015 Order*”) and *SNR LicenseCo, LLC v. FCC*, 868 F.3d 1021 (D.C. Cir. 2017).

According to the Bureau’s *Remand Order*, the Commission’s *2015 Order* “comprehensively explained” the issues of *de facto* control for which the parties were required to

seek a cure.¹ Similarly, on review, the Commission indicated that it did not “believe cure discussions between the Applicants and the Commission . . . are necessary or appropriate in the circumstances of this restricted proceeding in light of the detailed Commission order describing the *de facto* control issues”² In their June 8, 2018 submissions, the Applicants addressed every issue raised in the 2015 Order concerning the parties’ agreements, thereby curing any issues of *de facto* control by DISH.

In response to the Applicants’ June 8, 2018 submissions, however, some commenters argued that the Commission should go beyond the 2015 Order and adopt new indicia of control in this matter, making new claims that were not part of the 2015 Order.³ The Applicants seek a meeting with you in the near term to confirm that the Commission maintains the position that the 2015 Order comprehensively explained the *de facto* control issues that the Applicants should address, placing the commenters’ new issues beyond the scope of this proceeding and the cure. In short, the Applicants seek a meeting with you to discuss the Commission’s expectations of them.

As evidenced by a meeting among Commissioner Clyburn, the Applicants, and certain petitioning parties in May 2018, the fact that this is a restricted proceeding is not an impediment to such a meeting.⁴ Individuals representing the Applicants would be willing to travel to Washington, DC for such a meeting with you during the week of September 24, 2018 or any time thereafter that is convenient for you. If a meeting during that period would be feasible, please indicate a date and time that would be suitable.

Pursuant to Section 1.1202(b)(1) and 1.1208 of the Commission’s rules,⁵ copies of this letter are being served on the parties of record in the underlying proceedings.

¹ See *Northstar Wireless, LLC, SNR Wireless LicenseCo, LLC, Applications for New Licenses in the 1695-1710 MHz, and 1755-1780 MHz and 2155-2180 MHz Bands*, Order on Remand, 33 FCC Rcd 231, 232 (WTB 2018) (“*Remand Order*”).

² *Northstar Wireless, LLC, SNR Wireless LicenseCo, LLC, Applications for New Licenses in the 1695-1710 MHz, and 1755-1780 MHz and 2155-2180 MHz Bands*, Memorandum Opinion and Order, FCC 18-98 at ¶ 23 (rel. Jul. 12, 2018) (“*MO&O*”).

³ See, e.g., Comments of VTel Wireless, Inc., ULS File Nos. 0006670613 *et al.* (filed Jul. 23, 2018); Comments of T-Mobile USA, Inc., ULS File Nos. 0006670613 *et al.* (filed Jul. 23, 2018).

⁴ See Letter from Ari Q. Fitzgerald, Hogan Lovells US LLP, Counsel to SNR Wireless LicenseCo, LLC, and Mark F. Dever, Squire Patton Boggs (US) LLP, Counsel to Northstar Wireless, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, ULS File Nos. 0006670613, 0006670667 (dated May 4, 2018); Letter from Bennett Ross, Wiley Rein LLP, Counsel to VTel Wireless, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, ULS File Nos. 0006670613, 0006670667 (dated May 4, 2018).

⁵ See 47 C.F.R. §§ 1.1202(b)(1), 1.1208.

Rachael Bender, Esq.
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Sincerely,

/s/ Ari Q. Fitzgerald

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CERTIFICATE OF SERVICE

I, Matthew G. Baker, certify that on September 19, 2018, a true and correct copy of the foregoing Letter was sent by electronic mail (+) and/or United States mail, first-class postage prepaid (*) to the following:

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† None of these petitioners included in its
Petition an address for service of this
document. The physical addresses set forth
here are based solely on information and
belief after conducting a reasonable search
and Attachment A of the *Remand Order*

/s/ Matthew G. Baker
Matthew G. Baker